REMARKS

This is intended as a full and complete response to the Final Office Action dated September 23, 2003, having a shortened statutory period for response set to expire on December 23, 2003. Claims 1-28 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Figures 15, 16A, and 16B have been amended according to changes specified in the attached annotated sheets.

Claims 1-21, 23, and 24 stand rejected under 35 USC § 102(a) as being anticipated by *Evans*, U. S. Patent No. 5,805,899. As per independent claims 1, 10, and 17, the Examiner states Evans teaches, "copying each of said external resolution items into said one compilation unit to form respective internal resolution items" (Evans, col. 2, ll. 8 – 11) and "compiling said subroutine...with a respective version" (Evans, col. 2, ll. 11 – 13). Applicant respectfully traverses the rejection for the reasons below.

Evans describes a method for versioning and compiling resolution items in the context of procedural programs. Evans does not teach, show or suggest a method for addressing inter-compilation version conflicts as recited in claims 1, 10, and 17, or inter-compilation module calls as recited in claim 8. In the current application, inter-compilation version conflicts and inter-compilation modules are associated with modules having static storage. The following is stated in the Specification of the current application on page 3 lines 10 – 18:

> For example, when the runtime environment of the program to be compiled will consist of several separately compiled pieces or modules, it may be discovered that the same subroutine (or other software component) was included in more than one separately compiled piece or module. This would not be a problem for purely procedural subroutines, but when the subroutines have static storage of one form or another (including the static data structures associated with C++ or Java® classes) then errors will result unless a single static storage image is somehow shared between all copies.

Evans does not teach, show, or suggest inter-compilation version conflicts or inter-compilation modules as recited in independent claims 1, 8, 10, and 17 and their

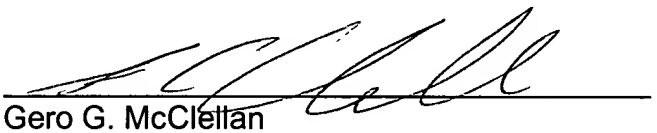
dependent claims 2 – 7, 9, 11 – 15, and 18 – 21, respectively. Applicant respectfully requests allowance of the claims.

Claims 22-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans* in view of *Nally et al.* (US 6,298,478). Applicant respectfully traverses the rejection on the basis of common ownership as set forth in 35 USC § 103 (c). Specifically, Applicant asserts common ownership of United States Patent Application 6,298,478 (*Nally et al.*) and the present application at the time of the present invention. Accordingly, *Nally et al.* may not be relied upon as a basis for rejection under 35 USC § 103 (a). A Statement of Common Ownership asserting the common ownership of United States Patent Application 6,298,478 (*Nally et al.*) and the present application at the time of the present invention is filed herewith. Accordingly, withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Therefore, Applicant respectfully requests allowance of claims 1 - 28.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Gero G. McClellan
Registration No. 44,227
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicant(s)

Annotated Sheet

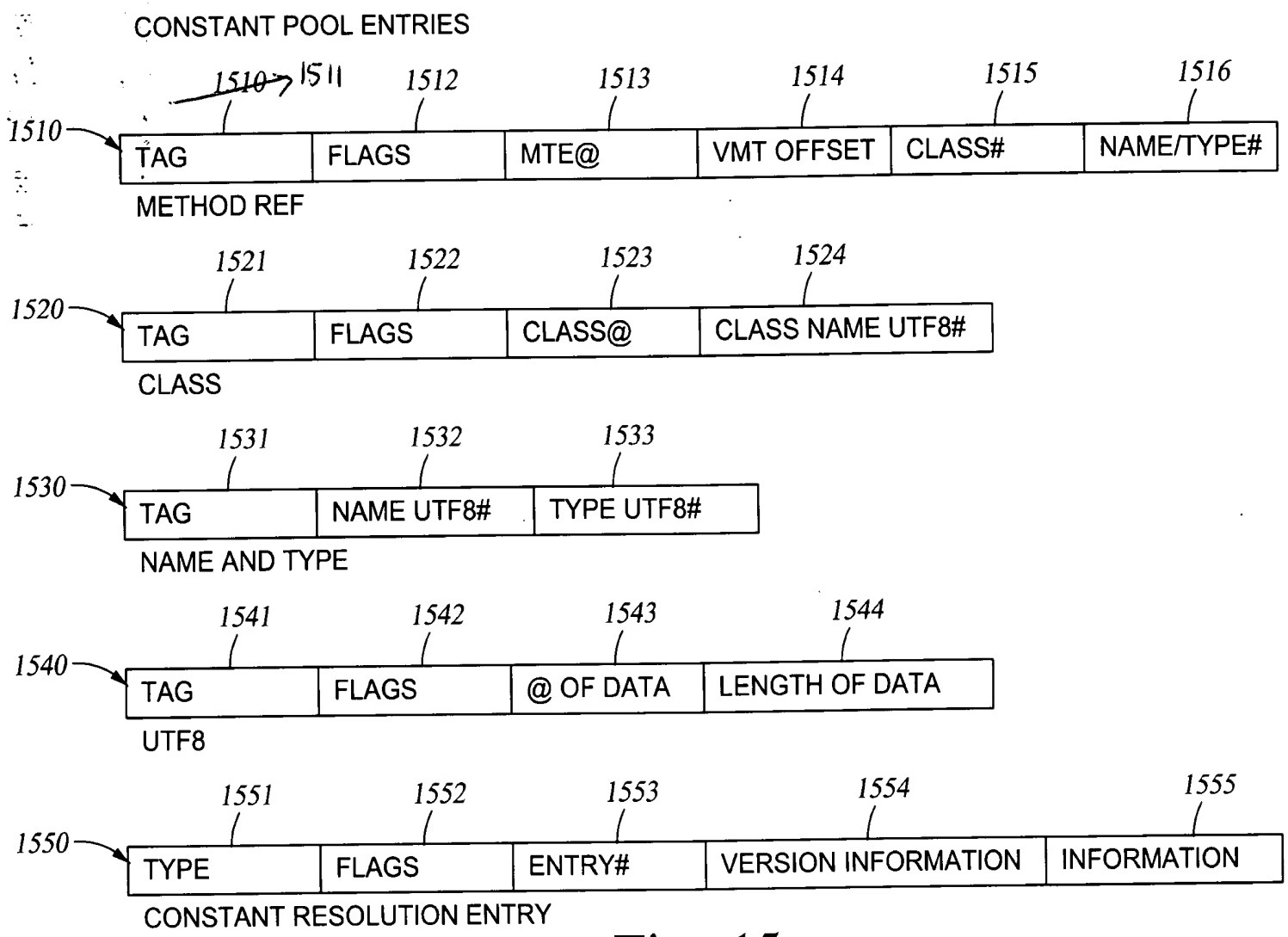


Fig. 15

1600

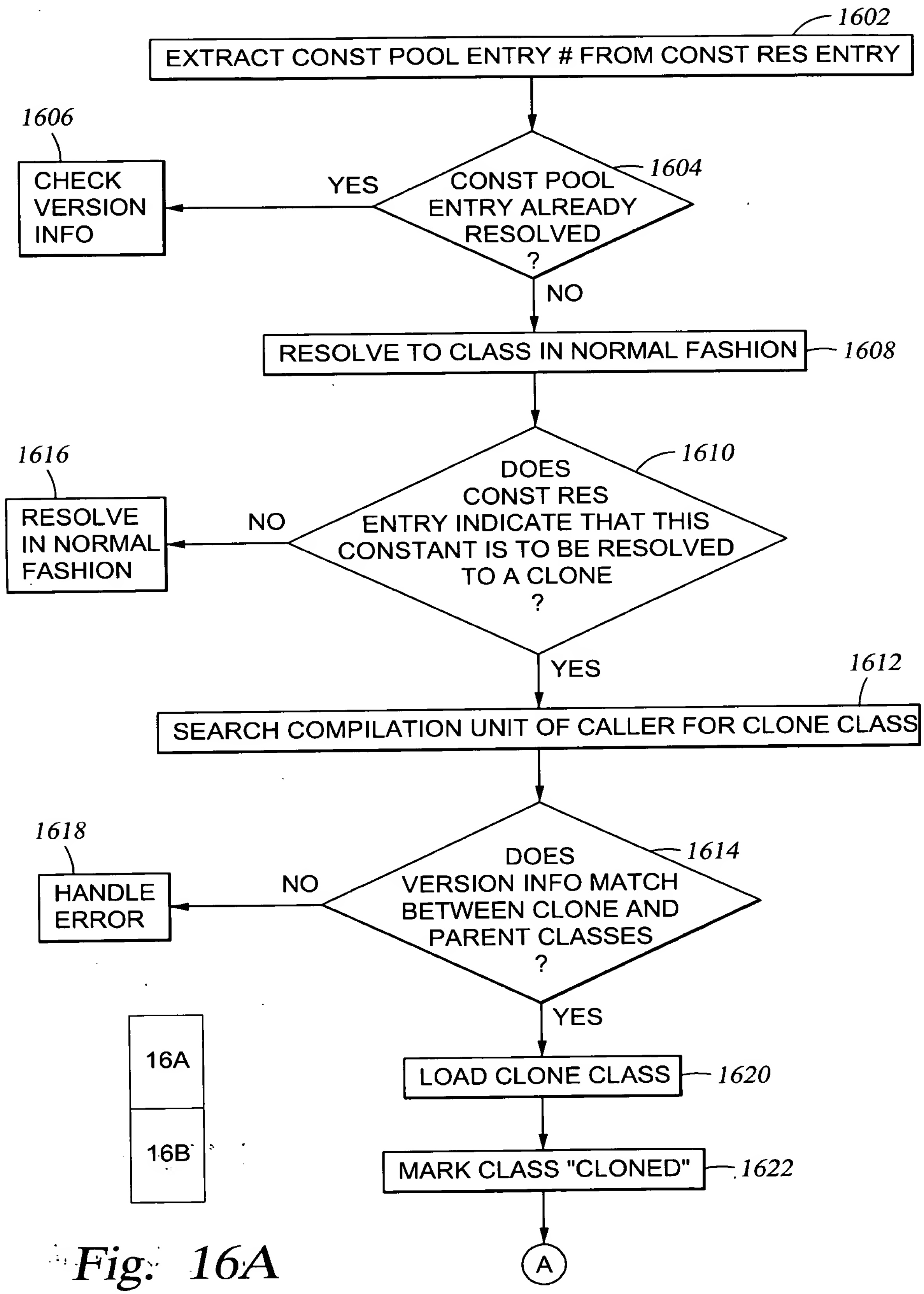


Fig. 16A

09/675623

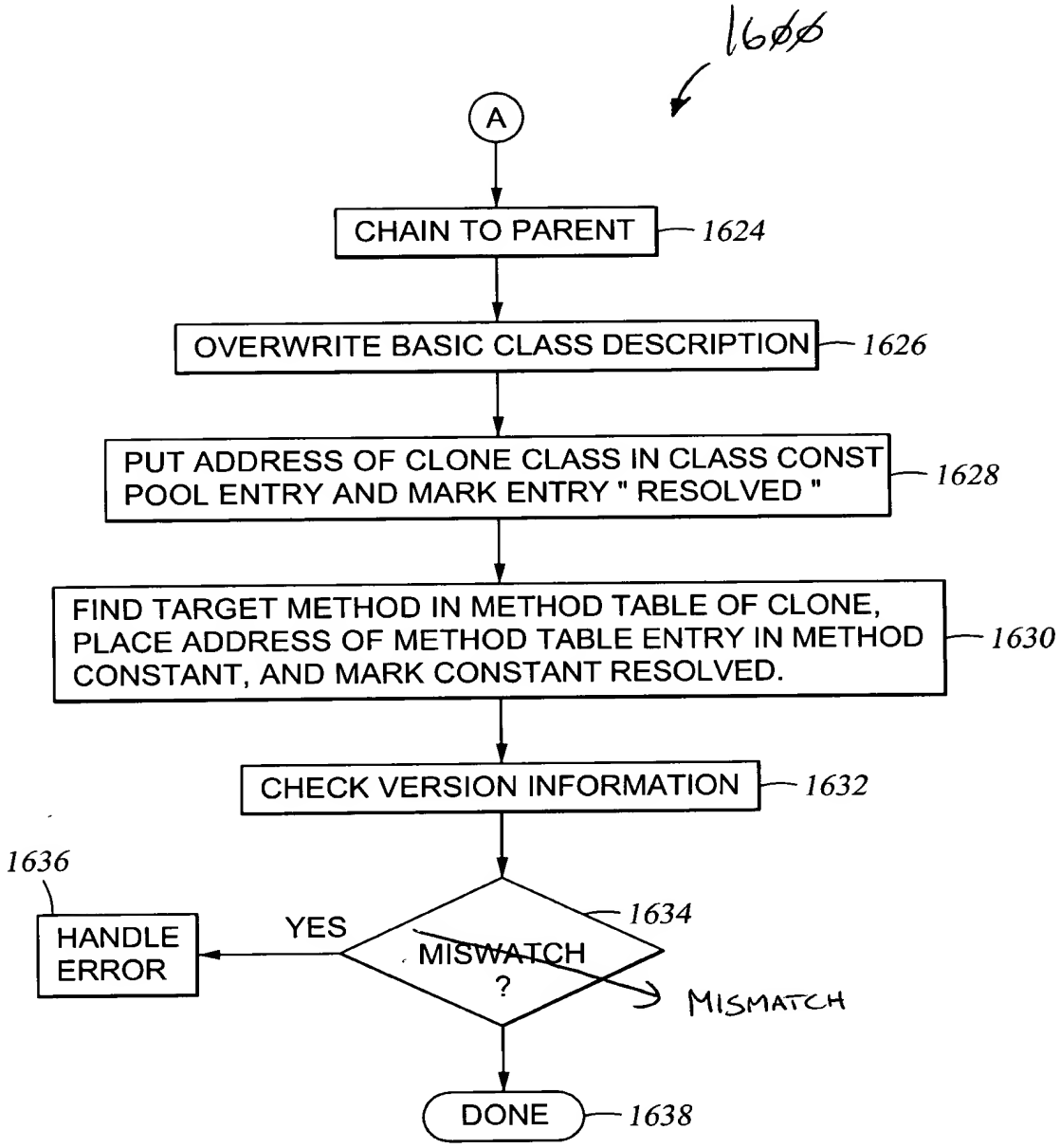


Fig. 16B